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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/941,390	08/28/2001	Shane Chen	BWD:7945.006	6029	
7	590 01/02/2004		EXAM	INER	
Kevin L. Russell / Chernoff, Vilhauer			VANAMAN, FRA	VANAMAN, FRANK BENNETT	
McClung & Stenzel, LLP Suite 1600		ART UNIT	PAPER NUMBER		
601 S.W. Second Avenue			3618	3618	
Portland, OR 97204			DATE MAILED: 01/02/2004	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Chen, Shane   Chen,				-	$\mathscr{X}_{-}$
## Examiner ## Art Unit ## Frank Vanaman   3618    ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address  **Period for Reply**  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In an event, however, may a reply be timely filled.  ### If No Deriod for reply is equilible above, the meantum statistics preiod will apply and will equilible 50 this provision of 17 CFR 1.136(a). In an event, however, may a reply be timely filled.  ### If No Deriod for reply is equilible abover, the meantum statistics preiod will apply and will equilible 50 this community from the meanting of the communication. This operation of the reply specified abover, the meantum statistics preiod will apply and will equilible 50 this community from the property of the communication. Press of this communication of this communication of the communication.  #### Press of the press of the communication of the comm		Application No.	Applicant(s)		<del>/</del>
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CPR 1.15(e). In no event, however, may a reply be limely filed after SX (6) MONTHS from the mailing date of this communication.  It the period to reply septimize the form the mailing date of this communication.  It the period to reply septimize the mailing date of this communication of the communication of the period	• •	lears on the cover sheet with the c	orrespondence a	aaress	
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  32.42 and 43 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  32.42 and 43 is/are rejected.  7)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to.  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some  O  None of:  1.  Certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  a)  The translation of the foreign language provisional application has been received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period vortice and the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered time the mailing date of this D (35 U.S.C. § 133).	ely. communication.	
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10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1 ☐ Certified copies of the priority documents have been received.  2 ☐ Certified copies of the priority documents have been received in Application No  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) ☐ The translation of the foreign language provisional application has been received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) ☐ Notice of Informal Patent Application (PTO-152)	Application Papers				
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Application/Control Number: 09/941,390

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## **Status of Application**

1. Applicant's amendment, filed after Final Rejection, of 8 December 2003, has been entered in the application. The finality of the previous office action is hereby withdrawn.

# Claim Rejections - 35 USC § 102

- 2. The indicated allowability of claims 32, 42 and 43 is withdrawn in view of the newly discovered reference(s) to Parks. Rejections based on the newly cited reference(s) follow.
- 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 4. Claims 32, 42 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Parks (US 6,531,838, filed 4/26/02). Parks teaches a scooter having a running board (11) supported by front (23) and rear (12) wheels, the front wheel being connected to a handlebar (22) by a steering shaft (21), a motor assembly (27) detachably coupled to the shaft by a clamp (46, 47, 48) which may loosened and slid along the shaft (to the extent allowed by the diameter of the shaft and the notch 30), a battery case (40) a motor (35) with an output shaft (44), and further including a biasing mechanism (38) which urges the motor shaft into contact with the front wheel periphery,

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the biasing element may be a spring (see col. 3, lines 12-13; col. 5, lines 3-9) wherein a further battery case (40) may be provided directly above the motor (col. 4, lines 21-22) resulting in the biasing device being located between the case and motor; the assembly further including an outer case (50, see col. 3, lines 36-40) which houses the battery case(s) and motor, and which may be slid with respect to the clamp (46, 47, 48) when it is disengaged from the assembly, to the breadth claimed.

## **Response to Comments**

5. Applicant's comments concerning the amendments are noted. Please note the newly uncovered reference to Parks, now applied.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the 6. examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326

After Final Amendments: 703-872-9327

Customer Service Communications: 703-872-9325

F. VANAMAN

Primary Examine.

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12/22/03